

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

POWER MANAGEMENT ENTERPRISES, LLC, a)
Texas Limited Liability Company,)

Plaintiff,)

v.)

Civil Action No.)

LENOVO HOLDING COMPANY, INC.)
and LENOVO (UNITED STATES), INC., Delaware)
corporations,)

Defendants.)

COMPLAINT

Plaintiff Power Management Enterprises, LLC (“PME”) files this, its Complaint against Lenovo Holding Company, Inc. and Lenovo (United States), Inc. (together, “Lenovo”), showing this Honorable Court as follows.

NATURE OF THE ACTION

1. This is an action for patent infringement, arising out of Defendants’ infringement of a U.S. patent relating to the art of managing cache memory containing data that has not been committed to persistent storage. Specifically, this Complaint asserts claims against Defendants arising from their infringement of various claims in U.S. Pat. No. 5,895,488, issued on April 20, 1999, and entitled “CACHE FLUSHING METHODS AND APPARATUS” (the “‘488 Patent”).

[True and correct copy of the ‘488 Patent is attached hereto as Exhibit A.]

THE PARTIES

2. Plaintiff is a limited liability company, organized and existing under the laws of Texas with its principal place of business in this District.

3. Upon information and belief, Defendant Lenovo (United States), Inc. is a corporation organized and existing under the laws of the state of Delaware. Upon information and belief, Lenovo (United States), Inc.'s principal place of business is located in Morrisville, North Carolina. Lenovo (United States), Inc. may be served through its registered agent for service of process, CT Corporation System, 350 N. St. Paul St., Ste. 2900, Dallas, Texas 75201-4234.

4. Upon information and belief, Defendant Lenovo Holding Company, Inc. is a corporation organized and existing under the laws of the state of Delaware. Upon information and belief, Lenovo Holding Company, Inc.'s principal place of business is located in Morrisville, North Carolina. Lenovo Holding Company, Inc. may be served through its registered agent for service of process, The Corporation Trust Company, Corporation trust Center 1209 Orange St., Wilmington, Delaware 19801.

JURISDICTION AND VENUE

5. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and/or 1338.

6. This Court has personal jurisdiction over the Defendants. Defendants have conducted and do conduct business within the State of Texas, including within this District. Defendants offer for sale, sell, and advertise their products and services within the State of Texas, including within this District. Defendants have committed the tort of patent infringement within the State of Texas, including within this District.

7. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391 and/or 1400.

OPERATIVE FACTS

THE '488 PATENT

8. PME is the owner by assignment of all right, title, and interest in the '488 Patent.
9. The '488 Patent describes a novel method and device for managing a cache containing data that has not been committed to persistent storage. The invention determines when to flush cache lines containing such uncommitted data. The device flushes the data when the device determines that its system state is idle. This state is based upon at least two of the following indicators: (i) CPU idle percentage, (ii) data bus busyness percentage, (iii) percentage of dirty lines, and (iv) I/Os per second.
10. Claim 8 of the '488 Patent provides:
8. In a system having a host computer and a mass storage device, a mass storage controller comprising:
- a) an input/output interface for permitting communication between the host computer, the mass storage controller, and the mass storage device;
 - b) a cache having a number of cache lines, some of which cache lines may include dirty data; and
 - c) an input/output management controller, the input output management controller including
 - i) means for determining whether a state of a system is idle based on at least two indicators including (i) a host CPU idle percentage, (ii) data bus busyness percentage, (iii) percentage of dirty lines, and (iv) I/Os per second; and

(ii) means for flushing a line of the cache if the state of the system is determined to be idle.

‘488 Patent, Col. 7. 1.63-Col. 8, 1.12.

THE INFRINGING PRODUCTS

11. Lenovo, within the United States, manufactures, uses, offers for sale, or sells computers, including, but not limited to, the Lenovo Thinkpad T430u including the interactions between the Intel Core i7 3517U processor and Windows 7, (the “Lenovo Computers”) that, among other things, operates in write-back mode creating cache data that has not been committed to persistent memory. The Lenovo Computers flush this data when the processor’s System Agent, in conjunction with Windows 7, determines that the state of the system is idle. To determine the idle state, the System Agent and Windows 7 use the following indicators: processor idle demote threshold; and I/Os per second and expected I/Os per second.

12. The Lenovo Computers practice each limitation set forth in at least claim 8 of the ‘488 Patent.

13. Lenovo does not have a license or other authorization to practice the claims set forth in the ‘488 Patent.

14. All conditions precedent to the assertion of the claims in this Complaint have been satisfied or waived.

COUNT ONE

LENOVO’S INFRINGEMENT OF THE ‘488 PATENT

15. PME incorporates by reference as if fully set forth herein the averments contained within Paragraphs 1-14, above.

16. By reason of some or all of the foregoing, Lenovo has infringed at least claim 8 of the ‘488 Patent.

PRAYER FOR RELIEF

17. By reason of some or all of the foregoing, PME has suffered damages as the direct and proximate result of Lenovo’s infringement of the ‘488 Patent.

WHEREFORE, PME prays that this Court:

- (1) Enter judgment in favor of PME and against Lenovo for infringement of the ‘488 Patent;
- (2) Award damages to PME in an amount to be proven at trial for infringement of the ‘488 Patent, pursuant to 35 U.S.C. § 284, including pre-judgment and post-judgment interest; and
- (3) Award PME such other and further relief as the Court deems just and proper, premises considered.

August 19, 2013

Respectfully submitted,

By: /s/Andrew W. Spangler
Andrew W. Spangler
State Bar No. 24041960
SPANGLER & FUSSELL P.C.
208 N. Green Street, Suite 300
Longview, Texas 75601
Telephone: 903-753-9300
Facsimile: 903-553-0403
Email: spangler@sfipfirm.com

Of Counsel:

MORRIS, MANNING & MARTIN, LLP

Jeffrey T. Breloski
1600 Atlanta Financial Center
3343 Peachtree Road, N.E.
Atlanta, Georgia 30326-1044
Telephone: (404) 233-7000
Fax: (404) 365-9532
Email: jbreloski@mmmlaw.com

Attorneys for Plaintiff Power Management
Enterprises, LLC